

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**JESSE R. BENTON,
JOHN F. TATE, and
DIMITRIOS N. KESARI,**

Defendants.

FILED UDER SEAL

No. 4:15-CR-103-JAJ

**DIMITRIOS KESARI'S MOTION
TO DISMISS FOR
PROSECTORIAL MISCONDUCT**

ORAL ARGUMENT REQUESTED

Dimitrios Kesari respectfully moves this Court to dismiss Counts 1, 3, and 4 of the Indictment in the above-captioned case against Mr. Kesari pursuant to Federal Rule of Criminal Procedure 12(b).

For the reasons outlined in Mr. Kesari's accompanying memorandum supporting his motion, Mr. Kesari requests that his motion to dismiss the indictment against him for prosecutorial misconduct be granted. Mr. Kesari also requests that the Court set this matter for oral argument pursuant to LCrR 47(a) and LR 7(c). In support thereof, Mr. Kesari submits there is good cause for a hearing as this case involves allegations of prosecutorial misconduct.

Dated: February 17, 2016

DIMITRIOS KESARI
By Counsel

HARVEY & BINNALL, PLLC

/s/ Jesse R. Binnall

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CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2016, I filed the foregoing using the Clerk's CM/ECF system, which will provide notice to all counsel of record.

/s/ Jesse R. Binnall
